

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAI-TRANG THI NGUYEN,
Plaintiff,

v.

NANCY PELOSI, Speaker of the United
States House of Representatives, and
MITCH MCCONNELL, Minority Leader of
the United States Senate,
Defendants.

Case No. 20-CV-08755-LHK

**ORDER DENYING MOTION TO
RECONSIDER APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

Re: Dkt. No. 7

On January 11, 2021, the Court denied Plaintiff's application to proceed *in forma pauperis*. ECF No. 5. The Court held both that Plaintiff had failed to show poverty and that "Plaintiff's inscrutable pro se complaint against Speaker Pelosi and Senator McConnell is frivolous." *Id.* at 2. On January 14, 2021, Plaintiff filed the instant motion to reconsider her application to proceed *in forma pauperis*. ECF No. 7. Plaintiff then filed an amended complaint on January 19, 2021. ECF No. 6.

The amended complaint is still frivolous. It makes essentially only two changes to the original complaint. First, the amended complaint states that "mental illness expense [sic] is very

expensive (willing to drop lawsuit).” *Id.* at 4. Second, the amended complaint states that “[Plaintiff] will drop the lawsuit if Pelosi & McConnell remove the 2nd impeachment [sic] of President Trump.” *Id.* Because the amended complaint is frivolous, the Court DENIES Plaintiff’s instant motion to reconsider her application to proceed *in forma pauperis*. Moreover, the Court DISMISSES Plaintiff’s complaint and amended complaint, ECF Nos. 1 & 6.

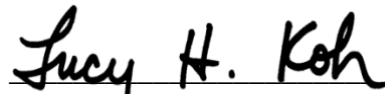
Should Plaintiff elect to file a non-frivolous second amended complaint, Plaintiff must do so within 30 days of the date of this order. Failure to file a non-frivolous second amended complaint within 30 days of the date of this order will result in dismissal of this case with prejudice. A third frivolous complaint would confirm that further amendment would be legally futile. *See Leadsinger, Inc. v. BMG Music Publ’g*, 512 F.3d 522, 532 (9th Cir. 2008) (explaining when denying leave to amend is warranted).

Also, within 30 days of the date of this order, Plaintiff must either file a new motion to proceed *in forma pauperis*, including a new financial affidavit, or pay any outstanding fees, costs, or security. *See* Civil L.R. 3-10 (governing motions to proceed *in forma pauperis*).

Lastly, the Court continues the March 10, 2021 case management conference to April 21, 2021. If this case has not been dismissed, Plaintiff shall file a case management statement by April 14, 2021.

IT IS SO ORDERED.

Dated: March 4, 2021



LUCY H. KOH
United States District Judge